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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,365	02/19/2002	Toshiyuki Mitsubori	325772028000	1530
7590 Barry E. Bretschneider Morrison & Foerster LLP 2000 Pennsylvania Ave., N.W. Washington, DC 20006-1888			EXAMINER LAM, ANDREW H	
			ART UNIT 2625	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/076,365

Applicant(s)

MITSUBORI ET AL.

Examiner

Andrew H. Lam

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 20-67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20-38 and 49-67 is/are allowed.
- 6) ☒ Claim(s) 1-16 and 39-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

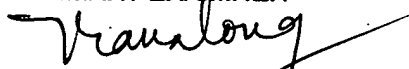
- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

DOUGLAS Q. TRAN
PRIMARY EXAMINER



Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/16/06.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

- This action is responsive to the following communication: an Amendment filed on 10/16/06.
- Claims 1-16, 20-38 and 39-67 are pending in the present application. Claims 39-67 are new.

Allowable Subject Matter

Claims 20-38 and 49-63 are allowed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 and 39-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tabata et al (U.S. Patent No. 6,537,324) hereinafter Tabata in view of Maeda et al. (J.P. Publication No. 2000-118085) hereinafter Maeda.

Regarding claim 1, Tabata discloses a data processing device (fig. 1, terminal equipment 70) connected to a server computer (fig. 1, file server 20) via a network (fig. 1, network) comprising: an image reader (fig. 1, scanner 60) for obtaining an image data by reading a document image, wherein the document is printed based on a file published on the network by the server computer (col. 5, lines 40-41, scanner is used to read the paper medium 201); an extracting means (fig. 1, scanner 60) for extracting location information that indicates the location of the file from the image data (col. 5,

lines 45-47, scanner 60 is used to read selection information and linkage information from the medium form 201); a transfer requesting means (fig. 1, terminal equipment 70) for requesting the server computer to transfer the file based on the location information extracted by the extracting means (col. 5, lines 48-51, terminal equipment 70 is used to retrieve appropriate correlated information file from the file server base on the extraction done by the scanner 60); and a receiving means (fig. 1, terminal equipment 70) for receiving a file transferred by the server computer (col. 5, lines 51-53, file 81 is retrieved by the network terminal equipment 70).

Tabata does not disclose expressly a data processing device connected to a server computer via a network comprising a transmitting means for transmitting the image data to a specific destination if it fails to obtain the file from the server computer based on the location information.

Maeda discloses a data processing device connected to a server computer via a network comprising a transmitting means for transmitting the image data to a specific destination if it fails to obtain the file from the server computer based on the location information (paragraphs 10-14, if the data can be retrieved from the specify URL an alternative URL is used to retrieve the data (file)).

Tabata and Maeda are combinable because they are from a similar field of endeavor of retrieving data using URL. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the step of transmitting the image data to a specific destination if it fails to obtain the file from the server computer as taught by Meade. The motivation for doing so would have been to use an alternate

location for retrieving the data, thereby allowing the user to go to a substitute location to retrieve the data when the user is unable retrieve the data from the first location (i.e., server computer, paragraphs 10-14).

Regarding claim 2, the combination discloses [Tabata] a data processing device according to claim 1, further comprising: a printer (fig. 1, printer 80) for printing images based on image data, wherein the specific destination is the printer (col. 5, lines 51-54, the printer 80 is used to print the file 81 on recording paper).

Regarding claim 3, the combination discloses [Tabata] a data processing device according to claim 1, wherein the specific destination is another device (col. 5, lines 54-57, the output terminal 90 can be used to display the file 81).

Regarding claim 4, the combination discloses [Tabata] a data processing device according to claim 1, wherein the extracting means extracts the location information by applying a character recognition process to character images existing in a certain area of the image data (fig. 5 mark 51, the marked area 51 is recognized by the scanner 60).

Regarding claim 5, the combination discloses [Tabata] a data processing device according to claim 1, wherein the location information is a URL (col. 10, line 46-50, URL is used as an address for each correlated information file).

Regarding claims 6-11 they are interpreted and thus rejected for the reasons set forth above in the rejection of claims 1-5, since claims 6-11 disclose a method and a program that corresponds to the system of claims 1-5, thus the method is inherent in that it simply provides functionality for the structural implementation found in system claims 1-5.

Claims 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tabata et al (U.S. Patent No. 6,537,324) hereinafter Tabata in view of Hamano et al. (J.P. Publication No. 10-301954) hereinafter Hamano.

Regarding claim 12, Tabata discloses a data processing device (fig. 1, terminal equipment 70) connected to a server computer (fig. 1, file server 20) via a network (fig. 1, network) comprising: an image reader (fig. 1, scanner 60) for obtaining a first image data by reading a document image (col. 5, lines 40-41, scanner is used to read the paper medium 201), wherein the document is printed based on a file published on the network by the server computer; an extracting means (fig. 1, scanner 60) for extracting location information that indicates the location of the file from the first image data (col. 5, lines 45-47, scanner 60 is used to read selection information and linkage information from the medium form 201); a transfer requesting means (fig. 1, terminal equipment 70) for requesting the server computer to transfer the file based on the location information extracted by the extracting means (col. 5, lines 48-51, terminal equipment 70 is used to retrieve appropriate correlated information file from the file server base on the extraction done by the scanner 60); a receiving means (fig. 1, fig. 1, terminal equipment 70) for receiving a file transferred by the server computer (col. 5, lines 51-53, file 81 is retrieved by the network terminal equipment 70); a data generating means (fig. 1, printer 80, is used to print the file 81 which is retrieved from the file server 20) for generating a second image data based on the file received by the receiving means; and a notifying means (fig. 1, file server 20) for notifying the user of the fact of the disagreement if it is judged by the judging means that the second image data does not agree with the first

image data (col. 20, lines 52-55, file server sends a message notifying the user that the version do not match).

Tabata does not disclose expressly a judging means for judging whether the second image data agrees with the first image data.

Hamano discloses a judging means for judging whether the second image data agrees with the first image data (paragraph 17, a comparison is made to the first file and the second file to see if there is a different).

Tabata and Hamano are combinable because they are from a similar field of endeavor of retrieving data using URL. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the step of comparing the image data of the two files as taught by Meade. The motivation for doing so would have been to check for changes in the two files (i.e., the cache file versus the current file), therefore allowing the user to get the most current or update version of the file.

Regarding claim 13, the combination discloses [Tabata] a data processing device according to claim 12, wherein the notifying means further receives an instruction specifying either the first image data or the second image data by the user, and the data processing device is further comprising a printer for printing images based on image data and a transmitting means for transmitting the first image data or the second image data to the printer in accordance with the instruction by the user (col. 20, lines 59-62).

Regarding claim 14, the combination discloses [Tabata] a data processing device according to claim 12, wherein the notifying means further receives an instruction specifying either the first image data or the second image data by the user, and the data

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processing device is further comprising a transmitting means for transmitting the first image data or the second image data to another device in accordance with the instruction by the user (col. 20, lines 59-62).

Regarding claim 15, the combination discloses [Tabata] a data processing device according to claim 12, wherein the extracting means extracts the location information by applying a character recognition process to character images existing in a specific area of the first image data (fig. 5 mark 51, the marked area 51 is recognized by the scanner 60).

Regarding claim 16, the combination discloses [Tabata] a data processing device according to claim 12, wherein the location information is a URL (col. 10, line 46-50, URL is used as an address for each correlated information file).

Regarding claims 39-48, the claims recite limitations that are similar and in the same scope of invention as to those in claims 1-11 above and combination thereof; therefore, claims 39-48 are rejected for the same rejection rationale/basis as described in claims 1-11.

Response to Arguments

Applicant's arguments on pages 18-20, filed 10/31/06, with respect to the rejection(s) of claim(s) 1-16 under 103(a) have been fully considered and are not persuasive.

Regarding claim 1 the applicant argued the cited prior arts Tabata (U.S. Patent No. 6,537,324) and Maeda (JP Pub. No. 2000-118085) fails to teach and/or suggest "to use an alternate location for retrieving the data, thereby allowing the user to go to a

substitute location to retrieve the data when the user is unable to retrieve the data from the first location".

In response to applicant's argument Maeda discloses in the detailed description on paragraphs 10-14, that when the data cannot be retrieved from the specify URL location and alternative location is used to retrieve the file.

Regarding claim 12 the applicant argued the cited prior arts Tabata (U.S. Patent No. 6,537,324) and Hamano et al. (J.P. Publication No. 10-301954) fails to teach and/or suggest "a judging means for judging whether the second image data agrees with the first image data".

In response to applicant's argument Hamano discloses in the detailed description on paragraph 17, that a comparison is made to the first file and the second file, however it is well known that when a comparison is made on a file the data within the file is compare therefore Hamano is teaching a way of comparing changes of data which can be text of image data within a file.

Contact Information

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew H. Lam whose telephone number is (571) 272-8569. The examiner can normally be reached on M-F (9:30-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams can be reached on (571) 272-7471. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Anda Lan

11/13/07

DOUGLAS Q. TRAN
PRIMARY EXAMINER

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